

Appl. No. 10/601,716
Resubmission-Amdt. B dated April 10, 2006
Reply to O.A. of November 1, 2005

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

After the foregoing amendments claims 1-10, 12, 14-21, 23-33, 35, 37-44, 45-57 are pending. All previously presented claims were rejected and claim 57 is newly presented.

The examiner has rejected claims 1-4, 10, 17, 22-27, 33, 40, 45, 46, 48, 51, and 53-56 under 35 U.S.C. §102(b) as anticipated by U. S. Patent No. 3,218,509, Ploetz, hereinafter referred to as "the Ploetz patent." This rejection as it applies to the currently pending claims is traversed.

The Ploetz patent does not disclose "a hollow cylindrical housing base having sidewalls of substantially uniform thickness, wherein the housing sits on the housing base." The sidewalls in the base of the Ploetz patent are not substantially uniform in thickness. In addition, because of the nature of the device disclosed in the Ploetz patent, a person of ordinary skill in the art would not consider that the base could be made in a fashion as claimed. Therefore this rejection is no longer warranted and should be withdrawn. In addition, these claims are not obvious in view of the Ploetz patent because of the difference noted above.

The examiner has rejected claims 5-9 and 28-32 under 35 U.S.C. §103(a) in view of the Ploetz patent. This rejection as it applies to the currently pending claims is traversed.

As noted above, the device of the Ploetz patent is very different from the devices claimed in the present application. The structure of the base that is now set out in the independent claims upon which claims 5-9 and 28-32 would not have been obvious to one of ordinary skill in the art given the requirements of the light source of the Ploetz patent. Therefore, this rejection is no longer warranted and should be withdrawn.

The examiner has rejected claims 14-16, 18, 19, 21, 37-39, 41-44, 49, and 52 under 35 U.S.C. §103(a) as unpatentable over U. S. Patent No. 3,715,636, Jaffe, hereinafter "the Jaffe patent," in view of the Ploetz patent. This rejection is traversed as it applies to the claims now pending.

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As discussed previously, the Jaffe patent does not disclose a crystalline material as the dome. Further, the Jaffe patent does not disclose a housing as claimed in the independent claims upon which the rejected claims depend. Also, amended independent claim 55 is similar in scope to previously rejected claim 39, with the added limitation relating to the housing base. The Jaffe patent does not sit on a housing. Further, there is no discussion in the Jaffe patent relative to the positioning of the LED source "to minimize an angle of incidence associated with each of the plurality of light rays as they intersect the inner surface of the housing." Lastly, because of the different nature of the devices of the Ploetz patent, a high temperature carbon arc light source, and the Jaffe patent, light emitting diodes, a person of ordinary skill in the art would not have considered the device of claim 55 obvious at the time the invention was made. Therefore, the rejection of the above claims based on the Jaffe patent and the Ploetz patent is no longer tenable and should be withdrawn.

The examiner has rejected claims 12 and 35 under 35 U.S.C. §103(a) as unpatentable over the Ploetz patent in view of U. S. Patent No. 6,670,758, and claims 47 and 50 under 35 U.S.C. §103(a) as unpatentable over the Ploetz patent in view of U. S. Patent No. 5,365,345. These rejections are traversed as they apply to the currently pending claims.

Claims 12, 35, 47, and 50 are all dependent on claims that describe the structure of the base on which the housing sits. As described above, these independent claims are considered patentable in view of the Ploetz patent. For this reason, the continued rejection of these claims is unwarranted and should be withdrawn.

It is believed that this application has been placed in condition for allowance. An early favorable action is requested.


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Deposit Account Authorization

The Commissioner is hereby authorized to charge any deficiency in any amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 1.17, except issue fees, to Deposit Account No. 50-1903.

Respectfully submitted,

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